

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLIED MATERIALS, INC.

Petitioner

v.

DEMARAY LLC
Patent Owner

Patent No. 7,544,276

**PETITIONER'S NOTICE
REGARDING MULTIPLE PETITIONS**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	RANKING	1
III.	DIFFERENCES AND REASONS FOR INSTITUTION.....	2
IV.	CONCLUSION.....	5

I. INTRODUCTION

Petitioner is concurrently filing two petitions, each challenging all claims of U.S. Patent No. 7,544,276 (the “276 patent”). “To aid the Board in determining” why “more than one petition is necessary,” Petitioner provides the information below. *See* PTAB Consolidated Trial Practice Guide (“TPG”) (November 2019) at 59-60. As explained below, the Board should not deny either petition on the basis of the filing of multiple petitions, and instead institute both petitions.

II. RANKING

While both petitions are meritorious and justified as explained below, Petitioner requests that the Board consider the petitions in the following order:¹

Rank	Petition	Challenged Claims	Grounds
1	Petition 1	1-13	Grounds based on Barber and Hirose and other references (Yamazaki, Dogheche, Sproul, Aokura, Laird, Segal, and Belkind)
2	Petition 2	1-13	Grounds based on Licata, Kelly, and Collins and other references (Aokura, Dogheche, Doessel)

¹ While Petitioner provides this ranking in accordance with the TPG guidance, Petitioner believes ranking in this instance is inappropriate and/or unnecessary since each petition addresses different claims and different prior art and combinations.

III. DIFFERENCES AND REASONS FOR INSTITUTION

Circumstances may arise “in which more than one petition may be necessary.” PTAB Consolidated TPG at 59-60. This is especially true here where Patent Owner, Demaray, has asserted claims of the ’276 patent against Intel and Samsung in separate cases. (*Demaray LLC v. Samsung Electronics Co., Ltd. et al.*, Case No. 6-20-cv-00636 (W.D. Tex.) (“Samsung Litigation”), *Demaray LLC v. Intel Corporation*, Case No. 6-20-cv-00634 (W.D. Tex.) (“Intel Litigation”) (collectively “Texas Litigations”).) Demaray’s assertions focus on products from Petitioner (*e.g.*, Ex. 1075, ¶¶25-38; Ex. 1076, ¶¶28-43), motivating Petitioner to pursue declaratory judgment of noninfringement against the patent (*Applied Materials, Inc. v. Demaray LLC*, Case No. 5-20-cv-05676 (N.D. Cal.); Ex. 1077, ¶1). To further protect its customers, Petitioner has moved to enjoin the Texas Litigations from proceeding. (Ex. 1078.) A hearing on the injunction is set for November 12. (Ex. 1079, 3.) Meanwhile, these litigations remain in their infancy, with no ordered case schedules.

Respecting the Board’s concerns regarding parallel petitions, Petitioner and its RPIs, which include Samsung and Intel, have invested substantial resources to coordinate efforts to present the **two** IPR petitions against the ’276 patent. Such collaboration should not go unnoticed as it resulted in minimizing issues from these multiple parties for the Board, despite the wealth of prior art against the ’276 patent’s

broad claims. Aside from this, there are material differences between the petitions that warrant institution of both petitions.

(1) **New Prior Art**: Petition 1 relies on primary/secondary references not of record during prosecution, such as Barber, Licata, Hirose, and others. Petition 2 relies on Kelly that was of record during prosecution, though not applied by the Examiner. Also unique to Petition 1 are grounds 8-14 in light of Belkind (of record and unapplied during prosecution of the parent application), which further show how the claimed bipolar pulse DC aspects were obvious. (Petition 1 § IX.H.)

(2) ***Different Approaches to the Claim Limitations***: The prior art combinations used in the two petitions teach the claim limitations in different ways.

(a) ***bipolar pulse DC power / RF filter***: Petition 1 presents grounds based on Barber, which discloses the bipolar pulse DC power features added during prosecution to procure allowance. (Ex. 1004, Ex. 1004, 325-330, 381-382, 420-422, 434.) Barber, however, does not expressly disclose the filter features likewise added during prosecution. (*Id.*; *e.g.*, Petition 1, § IX.A.1.) In contrast, Petition 2 presents grounds based on Licata, which expressly describes an RF filter between an RF power source and a pulse DC power source but does not expressly disclose the bipolar aspects of the DC power source. (*e.g.*, Petition 2, § IX.A.1.)

(b) ***RF Filter Details***: Petition 1 relies on Hirose to disclose the claimed filter aspects, whereas Petition 2 relies on Collins. (*e.g.*, Petition 1, § A.1(f); Petition 2, §

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.